

# WASHINGTON.

— Liberty and Union, now and forever, one and inseparable. —

THURSDAY, JANUARY 27, 1853.

## THE VACANCY IN A SENATORIAL SEAT FROM MISSISSIPPI.

We comply with cheerfulness with the request of the Governor of the State of Mississippi, by giving due space to the Letter, and the "Card" accompanying it, which will be found in another page of this paper, setting forth his views regarding the Executive Appointment of a Senator at the commencement of a regular term of six years to serve a portion of such term.

The Communication of the Governor having been induced by a casual suggestion by us of what we understood to be the settled Law upon the subject, there is an obvious propriety in our stating, somewhat more exactly than we have yet done, the grounds of the opinion upon which the Governor has made an issue; in doing which, not being bound to maintain any particular opinion, or to express any judgment upon this subject other than such as shall be perfectly impartial, we are actuated by no other motive than that of bearing true testimony to the letter and spirit of the Constitution, the truth of history, and Senatorial judgment and precedent upon this subject.

It is due to the earnestness and attention which Governor FORT has bestowed upon the matter, in the article above referred to, that we should endeavor frankly, but respectfully, to point out certain inadvertencies and misconceptions into which we believe, with great deference, he has fallen.

The Governor has quoted that part of the Constitution relating to the choice of Senators; but, unfortunately for his position on this question, he has taken a stand upon one view only of the subject, and that one the last and incidental, instead of the main and principal view.

The Constitution does expressly provide that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years." This is the main provision for constituting the Senate of the United States, by supplying two Senators for each State, to serve for six years. Such choice, by the State Legislatures, was necessary for the formation of the Senate in the first instance, when, in accordance with the Constitution, the Senators were divided into three classes; such choice is necessary when new States are first represented in the Senate; and such choice has ever been considered necessary to renew the six years' term, before the expiration of such term, either from its first creation or from any subsequent renewal. Should the Legislature, which is but one branch of the State authority, fail to perform its duty to its own State, as well as to the United States, by declining, omitting, or neglecting to choose a Senator at a proper time, so as to leave an interval or interregnum in the representation of any State in the Senate, it would thereby undertake, tacitly at least, by such dereliction of duty, to deprive the State of its equal suffrage in the Senate, in palpable violation of the Constitution, which declares, in the last clause of the fifth article, "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The only mode and manner of avoiding such violation of the Constitution, and injury to the State, is by previously choosing a Senator by the Legislature. Without such previous election by the Legislatures the Senate would not have been in existence on the 4th of March, 1789, to begin the Government under the Constitution; by such previous election new States are provided with representatives in the Senate as soon as admitted into the Union; and by such previous election the continued organization and integrity of the Senate has been preserved from the beginning of the Government; and, we sincerely trust, will continue to be until the end of time.

By adding a few isolated cases, and those being not only exceptions to, but violations of, the rule, the Governor has brought forward strong testimony to prove and confirm the rule, and the regularly established practice of the Government under the Constitution. For, while all the hundreds of other cases of previous appointments by the Legislatures, and of declining or omitting to appoint in such cases by the State Executives, are diametrically opposed to the views of his Excellency, he has been able to adduce but five cases in his favor, and in only one of these was there any question or point made in the Senate; and that was in the case of URIAH TRACY, of Connecticut, in 1801, in which Gov. FORT's present views were supported alone by Members of the Old Federal party, having then a majority of three in the Senate over the Jeffersonian Republicans; the latter of whom denied, by their vote, that the Governor had any right or power to make an appointment of a Senator for any portion of a term to supply the omission of the Legislature to choose in proper time a Senator for a full term of six years.

The Governor, and those who side with him now on this question, will find that in the cases since occurring in the Senate, of which only two are noticed, his views are conclusively reversed by the reports of the committees to whom they were referred and by the votes of the Senate. In the first of those, that of JAMES LANMAN, of Connecticut, they will find themselves opposed by the following distinguished statesmen, many of whom have since passed from the stage of life, viz: Messrs. Barton, Benton, Berrien, Branch, Chandler, Dickinson, Eaton, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, King of Alabama, Lloyd of Maryland, Macon, Marks, Ruggles, Smith, Tazewell, Van Buren, Van Dyke, and Williams.

It will be perceived that both the Senators from the State of Mississippi then in the Senate went, with the other distinguished statesmen above named, directly against the views of the present Governor of that State on this subject.

In the second of the solitary cases that have occurred since the period above referred to, a report was made by the distinguished jurist, FELIX GRUNTY, of Tennessee, in which he states, in speaking of the decision made in the case of James Lanman, as follows:

"This decision seems to have been generally acquiesced in since that time; nor is it intended by the committee to call its correctness in question. The principle asserted in that case is, that the Legislature of a State, by making elections themselves, shall provide for all vacancies which must occur at stated and known periods; and that the expiration of a regular term of six

"vice is not such a contingency as is embraced in the third section of the first article of the Constitution."

The principle here declared is plain, simple, and easily understood, viz: that the time of the expiration of a regular Senatorial term is always a thing certain and in view; and the duty of the Legislature, and of that authority alone, under the Constitution, to provide by choosing a Senator for the ensuing successive term of six years, cannot be evaded without a violation of the Constitution and of the rights of the State concerned.

There is in this principle no room for chance, or the happening of a vacancy, as contemplated by the second clause of the third section of article one of the Constitution, which declares that "if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

The word "happen," here used in the Constitution, clearly defines the contingency in which the Governor of a State has the power to make a temporary appointment. The meaning of this word, according to the best authorities, being "to fall out; to chance; to come to pass; to light, to fall by chance;" in which may plainly be recognised the intention of the framers of the Constitution to provide for the many contingencies depending upon the uncertainty of life, upon the accidents of life, and the changes of the mind or will, to which every individual who may be chosen by the Legislature for six years is always liable. In order that such casualty may not deprive a State of its equal representation in the Senate, the Governor is authorized to make a "temporary appointment until the next meeting of the Legislature, which shall then fill such vacancy."

It may also be stated, by way of enforcing the irresistible conclusion here arrived at, that, instead of the Senate of the United States being composed of two Senators from each State, chosen by the Legislature thereof for six years, the power conferred by Governor FORT would authorize every Governor to usurp the power of the Legislature, and violate the Constitution, by making temporary appointments for a part of the six years.

"The National Intelligencer announces very exultingly the passage of a bill through the United States House of Representatives, appropriating fifty thousand dollars for the erection of a federal city of a Bronze Equestrian Statue of GEORGE WASHINGTON. There is not a true man in the country who will not join in the rejoicing of the Intelligencer at this or any other evidence that the Father of his Country is still remembered by the American people—not one who will not rejoice to see an equestrian statue go up, and, if fifty thousand dollars is insufficient for the erection of a statue worthy of the great man whose character and services it will commemorate, who will not gladly see the appropriation doubled? But do not the editors of the Intelligencer agree with us that it would, after all, be quite as well for Congress to see that the monument already commenced be completed before another is attempted? Are they of opinion that we best show our veneration for WASHINGTON by commencing a great many monuments and then permitting them to lag for want of funds to finish them? If Congress has a few hundred thousand dollars to spare for such purposes—as it certainly has—let an ample appropriation be made at once for completing the National Monument, and let the equestrian statue be placed on its top, or in some part of the structure. It would be mortifying to see the statue go up while the monument was crumbling in ruins for want of money to complete it."—*New London Chronicle.*

Our friend of the Chronicle has overlooked the difference between the fulfillment of a pledged obligation on the part of the Government, for the erection of a "Statue of Washington," and the execution of a private enterprise, like that of the Monument to Washington. Should private subscriptions for the Monument hereafter fall off, so as to threaten a stoppage of that great national work, it is quite probable that Congress will lend a helping hand towards its completion. But that time has not arrived. The lofty obelisk has already attained a height of some one hundred and twenty feet of its destined five hundred feet, containing about six millions of cubic feet of solid masonry; and, by means derived from continued individual contributions, the work is going on as fast as would perhaps be prudent in such a structure.

THE JAPAN EXPEDITION.—The Boston Post publishes the following extract from a letter received from a gentleman who has just returned to this country from a trip to China, relative to the feelings of the Japanese toward the expedition expected from the United States:

"I was informed by a gentleman, a native of Japan, that the Emperor is ready for the American expedition. He exhibited a letter to me, which he had just received from one of his countrymen, then on the island of Jeddo. The people kept a strict lookout all over the coast; and their fires were already burning on the mountains at night, in order to be prepared in case the squadron should appear at night. One million of soldiers are ready and at hand. The coast is all set with guns, while in the bay where the fleet is expected, there are countless war junks, and the whole bay is surrounded with numerous fortifications. The expedition will find the Japanese much better soldiers than they anticipate. \* \* \* The presents had better have been left at home. A trade will not soon be opened with that country, except by force."

Dr. JUNIUS SMITH died at New York on Sunday last, aged 72 years. In noticing the event the Journal of Commerce says:

"The great public enterprises to which Dr. SMITH devoted a considerable portion of his life were the establishment of Transatlantic Steam Navigation and the Naturalization of the Tea Plant in the United States. To the first he early directed his attention, maintained its practicability, and sought to apply to it the test of experiment, long before it came to be regarded as a regular efficient auxiliary of foreign commerce.

"Our readers have been advised from time to time of Dr. SMITH's operations at Greenville, (S. C.) in connection with the culture of the tea plant, for which he claims to have secured a thrifty growth on American soil. It is to be hoped that his labors will not be suffered to come to naught for want of such careful effort as is requisite to the satisfactory development of the experiment which the Doctor so assiduously prosecuted during the last years of his life."

A singular affair recently occurred in Salem, Ohio. A dispute had arisen between the sheriff of that county and the officers of the Farmers' Branch Bank in relation to the amount of taxes the Bank was legally required to pay. The sheriff, apparently thinking legal means to settle the question too slow and uncertain, went to the bank with an armed posse, succeeded by a stratagem in getting in, assaulted and beat the officers, and then, breaking open the vault, took out \$3,000, the amount claimed for taxes. A high-handed act, truly!

The New Orleans "Bulletin" contradicts the statement circulated in some of the newspapers that property in that city has depreciated during the last year, and says: "The holders of real estate will not think of selling at any thing like the rates which ruled twelve months since, and that all public sales show an advance of ten and fifteen per cent., oftentimes much greater."

HUGH BRECKINRIDGE, Esq., an eminent merchant of Baltimore, died in that city on Saturday night.

## IMPORTANT FROM MEXICO.

The New Orleans Bee has files of the *Zemopolteca*, published at Jalapa, as late as the 31st ultimo. On the 30th, the National Guard at Jalapa, under the command of Don Patricio Nava, pronounced in favor of the revolutionary plan of Guadalajara. The insurgents compelled the Town Council to assemble, which adopted their plan. Invitations were sent to Gen. Mendoza and Gov. Palacio to join the rebels. The former refused; the reply of the latter had not been received; but the Council determined to proceed to the election of another Governor, in case Palacio should decline uniting with them.

A vessel which left Vera Cruz on the 2d instant reports that the city and castle had pronounced in favor of the revolution on the evening of the 28th December, but things were quiet when she left. There were some 1,600 troops at Vera Cruz, and repairs were making to the fortifications.

The cities of Jalapa, Cordova, and Toluca had pronounced in favor of the Guadalajara platform. The revolutionary movement had reached the city and State of San Luis de Potosi.

Order and the power of the Central Government had been restored in Aguascalientes.

Letters from Guaymas state that the remainder of De Rausse's expedition had been dispersed.

The above is the substance of the latest accounts from Mexico, received per mail, by way of New Orleans. The details of the movements referred to are uninteresting, and it does not appear that they caused any bloodshed. Their importance, however, is enhanced by a telegraphic communication received last night, bringing dates from the city of Mexico to the 12th instant, which represents the Republic throughout to be in a state of the greatest disorder and consternation. President ARISTA had resigned the Presidency and privately left the city. His troops, it is said, were routed, and Senor CERVALLAS, President of the Supreme Court, had established a temporary Government. So that, it would seem, another crisis in the affairs of Mexico has been reached, but how to be passed time alone can determine. One of the leading objects of the revolt, we believe, is a reformation of the Tariff.

In the present distracted condition of MEXICO it is not improbable that SANTA ANNA will be again restored to power. We mentioned, a few days ago, that three commissioners from the revolutionary party had touched at Havana about the 10th instant, on their way to communicate with SANTA ANNA and invite his return to Mexico. A few weeks ago he was still at Carthagen, but the Panama papers stated that he was about to embark from Carthagen, contemplating a return to his native land, to avail himself of the general dissatisfaction with Gen. Arista's administration. The New Orleans "True Delta" thinks it probable that the exile removed to Jamaica to be in closer and more regular communication with his friends, and that, as Vera Cruz is in possession of his party, we may expect to hear before many days of his landing there, and of his successful entry into the capital.

## FROM FLORIDA.

The steamer Fashion, arrived at New Orleans, brings accounts from Tampa Bay to the 10th instant. Gen. CHILDS was at the post, and also Capt. GRAHAM, commanding the engineer party which was surveying the route for a ship canal. Gen. BLAKE left Tampa for Fort Myers on the 17th. Nothing has been heard from the Indians; they have fled to parts unknown.

A GENERAL BANKING LAW has remained on the statute-book of Massachusetts some two years, and not a single company, not a single man, has taken advantage of it. No bank has been organized under the general law, whilst numerous applications have been made, and more are expected, for banks on the old plan of separate charters.

SOUTH SIDE RAILROAD.—A bill making a loan from the State of Virginia to complete the South Side Railroad was put upon its passage in the House of Delegates on Saturday, and passed—ayes 80, noes 54. The Richmond Times says that this vote settles, so far as the House is concerned, the question of internal improvements.

THE PLEA OF SELF-DEFENCE.—If Cuba be essential to our self-defence, will not Porto Rico and Jamaica be just as essential after Cuba is acquired? Is not Canada just as essential, and then New Brunswick and Nova Scotia? How are we to get them? If our safety depends upon the acquisition of the territory that is next to us, then we shall not be safe till "the whole boundless continent is ours," nor then shall we be safe till the islands are annexed, nor will the islands be safe till the further main land is brought under the stripes and stars. To such absurdity does the plea of self-defence carry us; nowhere short of this can we stop, if we abandon the safe principles which lie at the foundation of republican government.—*Providence Journal.*

INTERNAL IMPROVEMENTS IN VIRGINIA.—The Richmond Enquirer of Monday says:

"The House of Delegates on Monday passed, by a decided vote, the bill incorporating the Board of Public Works for the construction of a railroad from Covington to the Ohio river, at a point not lower than the mouth of Big Sandy, nor higher than Point Pleasant. The bill appropriates a million of dollars for the purpose.

"A bill increasing the capital stock of the Manassas Gap Railroad Company was read a third time and passed; Yea 93, noes 23.

"A bill to authorize the Orange and Alexandria Railroad Company to extend their road to Lynchburg was taken up, and Mr. Rives withdrawing his pending amendment, the bill, with other amendments by Mr. Rives, was ordered to be read a third time."

PROPOSED RAILROAD TO LAKE SUPERIOR.—A meeting of persons particularly connected with the mineral region of Lake Superior, and others interested in that section of country, was held in New York on the 19th instant, for the purpose of organization, with a view to concert such measures as would best promote the establishment of a railroad to connect Lake Superior with the seaboard, by means of an extension of the present line from Chicago, and thereby secure a daily open communication by land in place of that by water, which, owing to the interruption caused to navigation during cold weather, creates an embargo upon the transportation of all freight and supplies for a period of seven out of twelve months in the year.

Resolutions were adopted in favor of constructing a line of railway from Fond-du-Lac to certain points within the limits of Michigan and Wisconsin—the part within the limits of Michigan to run to some point to be selected upon Keweenaw Point, at or near the shore of Lake Superior, with a branch to the westward to some point between Ontonagon and Montreal Rivers, and also a branch to the eastward to some point at or near Iron Bay; and that Congress be urged to grant to the States of Wisconsin and Michigan, respectively, for the purpose of aiding in making the proposed railroad, every alternate section of the public land through which it passes, equivalent to seven sections in width on each side of said road and its branches.

The Virginia Colonization Society has memorialized the Legislature for an annual grant sufficient to defray the expenses of colonizing the annual increase of the free colored people of the State, which increase is estimated at about 1,000.

## THE PRESIDENT ELECT.

At a meeting of the Board of Mayor and Aldermen of Boston, on Monday, the following letter was received from Gen. PIERCE, declining the hospitality extended him when he should pass through Boston on his way to the seat of government:

CORCORAN, (N. H.) JANUARY 21, 1853.

MY DEAR SIR: When the Committee of the City Government of Boston personally presented to me the resolution, and also your very kind and gratifying letter, inviting me to accept on my way to the seat of government the hospitality of the city, I expressed verbally my thanks and acceptance—stating at the same time that my own inclinations would prompt me to desire that my journey might be performed without any public demonstration of consideration. After the event which has recently fallen upon me with such crushing weight, it will of course be expected that I will proceed to the post of duty as quietly and privately as the modes of public travel will admit.

I am by no means indensible to the kindness with which you proposed to receive me. You will do me the justice to believe that I fully appreciate the evidences of friendly estimation I have received from the citizens of Boston, and that I deeply feel the sentiments of confidence contained in your invitation. But I would not be understood as supposing that your courtesies are extended to me on account of any personal claims upon your regard. It is gratifying to me to feel that they spring from a nobler motive, and that you proposed to receive me as the representative of a principle which is uppermost in our hearts. The basis of that principle is the sacredness of the Union.

As with you it will ever be inseparable from the revered and grateful memory of your foremost man, so it will be cherished by all while any adequate love of our common country exists in the Republic. Whatever anxieties may yet be mine for me, whatever obstacles may intervene in the way of duty, I have an undying faith that I shall never fail in my devotion to this object, and I look with fearless confidence for the support of all patriotic men of whatever party in my endeavors to preserve that which is the heart and supremacy of the laws which are the surest guarantee of our happiness for the present and the future.

Permit me to repeat my sense of obligation to you, and believe me, very truly, your friend and obedient servant,

FRANK PIERCE.

Hon. BENJAMIN SEAVY,  
Mayor of the City of Boston, Mass.

BUENOS AYRES.—The Montevideo *Comercio* of the 5th December appears to anticipate a conflict between Buenos Ayres and its allies on the one part, and the late "Protector," Gen. Urquiza, of Entre Rios. Forces were collecting on both sides, each to guard against an attack from the other. We hardly think they will be foolish enough to go to fighting, but possibly they may. Man's wisdom, as Governor Throp used to say, is "a small light."

[*Journal of Commerce.*]

THE McDONOUGH WILL CASE.—Remark upon the late decision in this case by the Supreme Court of Louisiana, the Baltimore American says:

"This decision settles the question forever between the States of Maryland and Louisiana, and the cities of Baltimore and New Orleans. The cities are to get it, and not the States. But there is another cause in the Circuit Court of the United States at New Orleans, between the heirs at law of McDough and the devisees under his will, which has been decided by Judge McCALEB against the devisees and in favor of the heirs. This decision has been appealed from by the executors, who seek to maintain, before the United States Supreme Court at Washington, the legality of the will in every particular. By the decision just rendered, it seems that the chances of this city are improving. Three of the Judges sustain the claim of the cities, and only one supports that of the States, while they seem unanimous in upholding the will. Should the Supreme Court at Washington coincide with the four Judges of the Supreme Court of Louisiana, Baltimore will obtain more than a million and a half of dollars from this bequest."

In the New York Legislature on Saturday a large portion of the Senate session was devoted to a debate growing out of a resolution proposing to appoint a committee to investigate the affairs of the New York Broadway Railroad. In the course of it the Common Council of that city and the Railroad Company were charged with fraud, &c. In the House of Assembly, among the notices of forthcoming bills, was one to repeal the charter of the Tammany Society of New York, and a resolution offered to appoint a committee to examine into its affairs, to ascertain if it had not violated its charter. This grows out of the troubles in the New York city Democracy.

LOUISIANA.—GOVERNOR WALKER'S message represents the finances of Louisiana as not in a favorable condition. During the last year the Treasurer has been unable to meet many just demands upon the State. The public works have, however, been prosecuted with success to the extent of the means provided, and further and larger appropriations are recommended to complete works now in progress. Prompt action is specially urged to prevent overflows from the Mississippi. The year's sales of swamp and overflowed lands have realized \$112,000.

The banks of the State are reported to be sound and prosperous; their circulation on the 30th of December last having been \$5,400,000, while the specie in their vaults amounted to \$8,200,000. The Governor declares himself in favor of free banking, but dwells upon the necessity of caution in organizing a banking system.

Other recommendations relate to the establishment of probate courts, and the amendment of the constitution in regard to the representative basis; the latter being sustained by the consideration that the principle of the "negro basis" is contrary to the spirit of our institutions and inimical to the interests of a large portion of the State.

TWENTY-SIX HUNDRED DEATHS BY CHOLERA.—Letters from St. Jago, Cuba, state that according to the official returns twenty-six hundred and fifty persons died of cholera at St. Jago, Cuba, in October, November, and December last, out of a population of 30,000 to 35,000 souls. During the height of the pestilence, a terrible earthquake occurred, which destroyed many of the best buildings in the city.

Mr. W. WICKER, of Pike county, (Ala.) died at his residence on the 26th ultimo, aged 106 years. The deceased served in the revolutionary war. He was in the battle at Eutaw Springs, and was engaged in several skirmishes with the British and Tories under General Marion, of South Carolina.

JOHN BARKLEY, Esq., the President of the Lexington and Danville Railroad Company, (Kentucky), lost his life last week in consequence of having been thrown from his buggy while on his way from Lexington to Danville.

TELEGRAPH BETWEEN EUROPE AND AMERICA.—The idea of connecting Great Britain and the United States by Telegraph is revived in London on a grand scale. The proposition is to extend the line from Scotland, by way of the Orkney, Shetland, and Faroe Islands, to Iceland, and thence to Greenland; thence across Davis's Straits to Labrador and Quebec. The entire length of the line will be 2,500 miles; and the submarine portions of it from 1,400 to 1,600. From the Shetland Islands it is proposed to carry a branch to Bergen, in Norway, connecting it there with a line to Christiania, Stockholm, Gottenburg, and Copenhagen; from Stockholm a line may easily cross the Gulf of Bothnia to St. Petersburg. The whole expense of this great international work is estimated considerably below £500,000.

OLD PAINTING.—A very fine old picture of the Flemish school, from the collection of Lord FAIRFAX, may be seen at the Bookstore of Messrs. TAYLOR & MAURY. It is offered for sale, and is well worth the inspection of the wealthy and tasteful among us, who are making collections of art of this recherche description.

PROGRESS OF THE AGE.—The following notice appears under the marriage head of the Gardiner (Me.) Transcript:

"We, the undersigned, have pledged ourselves to each other for life, or as long as we can live in harmony, and now sustain the conjugal relations. This we do without consulting the laws and customs of our nation in regard to marriage, believing it to be an affair exclusively of our own, and that no others, whether of friends, Church, or State, have any right to interfere in the matter."

"We deem it necessary to give this notice that our friends and the public may know of our union, that we may not be exposed to slander."

—*Harriet N. HOWARD.*

## CONFESSIONS OF AN APACHE CHIEF.

The fall of 1849 and spring of 1850 will long be remembered by the people of the Western frontier States and our Territories of the deep interior for the acts of blood perpetrated by some of the Indians of New Mexico. The two most prominent cases were the massacre of a party conducting a train of wagons owned and accompanied by Mr. WHITE, a Santa Fe merchant, and his wife and child. The second was the destruction of the entire party in charge of the United States mail from Independence to Santa Fe, in May, 1850, consisting of eleven persons, all males. Until now, though suspicions were plentiful, certainty has not been attained. At a recent talk had with Chacon, the chief of a band of Apaches, (Jicarillas, we believe), at Albuquerque, in New Mexico, by Major GREINER, Secretary of State of New Mexico, employed by the Governor, as we suppose, in Indian service, the probable truth has come out, which we think of interest enough to publish, as we find it in the Santa Fe Gazette.

Chacon said: "His people went to Las Vegas for the purpose of making peace. They were there attacked by a small force, and fourteen of their number were killed. Chacon himself was not in with his people, but was near the town, and heard the firing. The reason assigned for this massacre of the Indians was, that it was said an Apache had killed two Mexicans and driven off the stock at Casa Colorado. This report, Chacon says, was not true. After this event the Apaches under Chacon attacked two Americans and one Mexican near the wagon-mound, capturing two children—girls. Chacon himself was killed in this fight."

The next event (of course Chacon had no dates) in order for the purpose of White's party. This deed was perpetrated by the Ute and Apache jointly. They had gone into the camp of the whites in the morning, which, Chacon said, was on Red river. But this could not have been so, for the party were massacred nearly midway between the Point of Rocks and Whetstone Creek. From the spot where the whites were murdered to the point of Red river is a very good day's travel. If the party were encamped upon any stream when the Indians visited them in the morning, it must have been the Whetstone, a few miles from where the massacre took place, or the Rabbit Creek, which flows back, and a few miles east of the Round Mound. But Chacon's saying that the camp was on Red river was most probably from the fact that it was in sight of Red river, (as the place of massacre really is,) and, in a direct line, not a great distance from it.

The party of Indians, he says, were driven from the camp, and this was the cause of their attacking them afterwards. We think most likely this is a true statement. We know such is the treatment the Indians usually receive from the trains. Indeed, it is usually found necessary to resort to some such measure in order to get rid of their most annoying importunities.

After this repulse from the camp, (probably at Whetstone), the fight commenced. White and a negro woman were killed, and the woman (Mrs. White) and child were captured, and carried off prisoners to Red river, where they were kept until the Indians were attacked by the American troops under Major Grier. They had good care of them, and had the Americans sent for them peacefully instead of fighting, they would have been given up unharmed. Mrs. White was killed when the fight commenced, and Chacon says he has always been told that the child was killed by the Indians. He has never seen or heard of it since. We have no doubt, and have never had, that this was the fate of "Mrs. White's child," which has been the subject of so much speculation and vague rumors.

The fight with Flourmoy's company commenced early in the morning, and continued (in firing skirmishes, as we suppose) till near sundown. Five Apaches and four Utes were killed, and were buried back of the wagon-mound, near a lake of water. The Apaches and whites were at war at that time in consequence of the affair at Las Vegas, already alluded to. He says there must have been a great many Indians in this last fight, or they could not have killed eight Americans.

Preceding this fight, there is another incident related by Chacon, of which we never heard before. An Apache woman, daughter of a chief, (Lobos), was in prison at Las Vegas. She was taken out of prison and conveyed by the American troops to the wagon-mound, to point them where the Apaches were. A few men went with her to the top of the mound, where she seized a knife and attacked them, making so desperate a fight that they were obliged to shoot her.

From Chacon's statement, taken in connection with our own observations last spring, we have no doubt that the fight with the small party commenced in the morning at Red river, and terminated at the wagon-mound, near sundown, the distance between the places being twenty miles. We examined last spring, just on this side of Red river, and near the road, several pits (or rather commencement of pits) sunk in the ground, now partially filled up. It is said by the Indians (as we were then told) that these excavations were commenced at that time, and for that purpose. As there was no ditch in which to conceal, and no bluff near the road at that point, (as at the place where White's party was attacked,) behind which they might form an ambush, they resorted to this expedient of digging pits in which to conceal themselves. From the number of pits thus commenced, we have no doubt, as Chacon says, that there must have been a great many.

The mail party probably came upon them before they had time to complete their work, and the fight commenced, continued a flying fight through the day, till arriving at the narrow pass of the wagon-mound, the Indians closed in upon the little band and overwhelmed them by numbers. We have often thought that little band must have given the Indians a desperate fight, from the fact that the mail was scarcely ever molested by the Indians on that route from that day to the present. Chacon's statement confirms our preconceived notions of this fight. We think it altogether likely there were many killed of the Indians than Chacon is willing to admit; certainly enough to have made them a little shy of the mail. But, poor fellows, it was a sad price they paid for the benefit of others who should travel the road in future. That wagon-mound pass ought to be christened "Thermopylae;" for if there be any virtue or glory in crimson laurels, there lie at that spot, in scarcely-noticed graves, a few as brave men as ever formed subjects for a pen.

The damages done at Greenhorn Chacon says were committed by his people in a state of actual starvation, and they had to have something to eat or die. They were on a war party, and they were green corn, the usual staple of the Indians. The horses were returned, the mules, was taken away by a Tabawat, and could not be returned, but they would account for it.

The mules they had taken from James, some time since, he said, were stopped by three of his band, one of whom was present. The blankets, &c. taken were given by the drivers of their own accord.

Such are briefly the statements of Chacon. Doubtless he has made them as favorable to his people as he well could, but taken in connection with the known facts, we think them about the most reliable of any we have yet seen or heard, in regard to the massacre of White and the mail parties. He is satisfied that Chicoveques was in both those fights.

Amongst the visitors at present in the city we have been happy to see, in excellent health, our distinguished countrymen, WASHINGTON IRVING and the Hon. THOMAS BUTLER KING. Mr. Irving is one of three honorary members of the Smithsonian Institution, whose Board of Regents is now holding its annual session.

GALLANT LEGISLATORS.—The Albany papers inform us that the House of Assembly of New York, on Friday last, presented a spectacle of an unprecedented character. By courtesy of the House, the rules were suspended, and a committee of the Women from the Temperance Mass Convention, sitting in that city, were admitted upon the floor, and granted the privilege of personally presenting an Address, which was read in a firm tone by the chairman of the committee, Miss EMILY CLARK.

The address thus formally presented was the petition of twenty-eight thousand of the women of the Empire State, praying the passage of a law to stay the flood of intemperance by stopping at once and forever the traffic in rum.

The Lynchburg Virginian claims the honor of the first discovery of the principle of the Caloric Engine for a man named PROUTY, a gunsmith, who was born and raised in Richmond Virginia. The Virginian claims that he constructed and put into operation such an engine as long ago as 1822.

The Utica Herald says that a model of the Caloric Engine was made at the Vulcan Works, in that city, some ten years since, under the personal direction of Captain EMBERSON. The Observer states in addition that Messrs. REMINGTON, of Milford, Herkimer county, five years since, constructed an engine on much the same principle, at considerable expense, but failed to convince practical men in New York that it would work.

## OFFICIAL.

Correspondence between the United States and France, via England.

POST OFFICE DEPARTMENT, JAN. 24, 1850.

Pursuant to authority vested in the Postmaster General, and by and with the advice and consent of the President of the United States, (which advice and consent were fully given by an instrument in writing this day filed in the Department,) it being understood that the British Post Office charges the same rate of postage on letters and newspapers, to and from France, through England, whether the same are conveyed across the Atlantic by British or United States packets: thus making a discrimination of 16 cents (see postage) in favor of the British line—

It is hereby ordered, That on all letters to and from France, through England, the single rate of United States postage be twenty-one cents, and on all newspapers so transmitted, four cents each, from and after the date hereof, such postage to be collected in and retained by the United States.

S. D. HUBBARD, Postmaster General.

## FROM PERU.

The New York Journal of Commerce has Lima dates to the 26th ultimo.

Sr. SANZ, the Peruvian Minister Plenipotentiary to Ecuador, left for Guayaquil on the 24th in the steamer of that date.

The Lima *Messenger* of the 21st contains a communication from the Peruvian Secretary of State to the United States Chargé d'Affaires in that capital, of which the following is an extract:

"The attention of this Government has been directed with great satisfaction to the terms of the note of Mr. EVANS, dated 10th November, transmitting to Sr. OROZ the resolution of his excellency the President of the United States, with a distinct acknowledgment of our rights to the Lobos and other islands along the coast of Peru, of which she is now in possession.

"By this declaration that Government has only confirmed the high confidence which the Government of Peru has always reposed in the spirit of justice and friendship with which the Cabinet of Washington has cultivated relations between the two Republics. Happily these have never encountered serious difficulties; all questions which have hitherto arisen having been settled in a manner the most honorable and satisfactory to both countries. Now that a new proof of these honorable sentiments on the part of the Government of the United States has given lustre to the amicable relations before existing, I am bound to express to you the satisfaction I feel in the assurance that this result will strengthen the bonds of a perfect understanding between the two Governments in time to come, and promote a just respect for the honorable character which distinguishes the high functionary who presides over the destinies of the country of Washington."

Extract from a Letter dated Lima, December 25, 1852.

The news of the settlement of the Lobos question has been received with great satisfaction. It has been ordered that the vessels which were sent out to land guano at those islands, but which, previous to this arrangement between the Peruvian Minister at Washington and the contractors, had been chartered by the agent of Peru at a low freight, shall receive twenty dollars per ton, like all other vessels coming under the contract. On Wednesday, the 23d instant, a magnificent dinner was given at the Palace to Mr. Clay, the American Chargé d'Affaires, and other resident Americans, together with Mr. Miles, the bearer of despatches from the United States, who has been treated with much attention by this Government."

## FROM CHILL.

Dates from Valparaiso to the 15th December state that there was some trouble there, between the American Consul and the official authorities, relative to the